

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEORGE CLARK, *et al.*,  
Plaintiffs,

v.

ANTHONY ABDALLAH, *et al.*,  
Defendants.

Case No. 21-cv-10001  
Honorable Victoria A. Roberts  
Magistrate Judge Elizabeth A. Stafford

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**ORDER GRANTING DEFENDANTS' MOTION TO SHOW CAUSE (ECF  
No. 54)**

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Defendants Anthony Abdallah and Kevin Smith move for an order directing non-party Bearia Stewart to show cause why she should not be held in contempt for failing to appear at a deposition.

Defendants scheduled Stewart's deposition for January 2022. ECF No. 54-2, PageID.2043. A return receipt shows that Stewart received the subpoena and notice of deposition several weeks in advance. ECF No. 54-3, PageID.2053. When defense counsel contacted Stewart the day before the deposition, she indicated her unwillingness to attend. ECF No. 54, PageID.2035. Stewart did not appear the following day. *Id.* Defense counsel contacted Stewart, and she said she was ill but would be available for a deposition in February. *Id.*

Defense counsel rescheduled the deposition for February. ECF No. 54-5, PageID.2061. Due to administrative error, the subpoena and notice of deposition were not served on Stewart. ECF No. 54, PageID.2035. When defense counsel contacted Stewart the day before the deposition, she stated she did not have transportation. *Id.* at 2036. Follow-up calls went unreturned, and Stewart again did not appear for the deposition. ECF No. 54-6, PageID.2074.

Defense counsel rescheduled the deposition for March 2022. ECF No. 54-7, PageID.2078. Although defense counsel did not receive a return receipt, postal tracking shows the subpoena and notice of deposition were delivered to Stewart's address several weeks in advance. ECF No. 54-8, PageID.2088-2090. When defense counsel contacted Stewart the day before the deposition, she said she thought it was scheduled for a different date and that she would call back after resolving a scheduling conflict. ECF No. 54, PageID.2036. She did not call back, nor did she appear for the deposition. *Id.* at 2036-2037.

Defendants' motion is **GRANTED**. ECF No. 54. Stewart is **ORDERED** to file a written response by April 15, 2022, showing cause why she should not be held in contempt for failing to appear at her deposition. Failure to respond will result in the entry of an order of contempt, which

may include the imposition of monetary sanctions. The Court further

**ORDERS** Defendants to serve a copy of this order on Stewart and to file notice of doing so by April 7, 2022.

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: April 5, 2022

**NOTICE TO PARTIES ABOUT OBJECTIONS**

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 5, 2022.

s/Marlina Williams  
MARLENA WILLIAMS  
Case Manager